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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR QUINONES,

Defendant.

CASE NO. 2:22-CR-00005 KJM

STIPULATION REGARDING PRELIMINARY
HEARING, DETENTION HEARING, AND
ADMIT/DENY HEARING

DATE: January 19, 2022
TIME: 2:00 p.m.
COURT: Hon. Deborah Barnes

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. The defendant previously appeared before this Court in Case No. 2:22-MJ-00002-DB on January 5, 2022 for a Rule 5(c)(3) hearing concerning a Supervised Release Violation Petition filed in the Southern District of New York;

2. Following that hearing, this Court scheduled a preliminary hearing and detention hearing concerning the Supervised Release Violation Petition for January 19, 2022 before the Honorable Deborah Barnes;

3. The parties and the Probation Offices for the Eastern District of California and the Southern District of New York subsequently agreed to transfer jurisdiction over the Supervised Release

1 Violation Petition to the Eastern District of California, and the transfer of jurisdiction was completed on
2 January 10, 2022. The litigation in this District concerning the operative Supervised Release Violation
3 Petition was assigned Case No. 2:22-CR-00005-KJM;

4 4. In light of the transfer of jurisdiction, and based on discussions between the parties, the
5 defendant now seeks to vacate the previously scheduled preliminary hearing and detention hearing, and
6 instead asks this Court to schedule an admit/deny hearing before the Honorable Kimberly J. Mueller in
7 Case No. 2:22-CR-00005. Specifically:

8 a) The defendant stipulates that he is aware of his right to a preliminary hearing
9 concerning the charges in the Supervised Release Violation Petition, and that he expressly
10 waives that hearing pursuant to Federal Rule of Criminal Procedure 32.1(b)(1)(A). Counsel for
11 the defendant joins in the defendant's waiver of this hearing.

12 b) The defendant further stipulates that he is aware of his right to a detention hearing
13 concerning the charges in the Supervised Release Violation Petition, and that he is prepared to
14 submit on the issue of detention. As a result, the defendant agrees that he should remain
15 detained pending further proceedings pursuant to Federal Rule of Criminal Procedure 32.1(a)(6)
16 and 18 U.S.C. § 3143(a)(1).

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1 c) The defendant requests that this Court schedule an admit/deny hearing concerning
2 the charges in the Supervised Release Violation Petition before Chief Judge Mueller in Case No.
3 2:22-CR-00005 on January 24, 2022 or—if that date is not available—on the earliest admit/deny
4 hearing date that is available.

5 IT IS SO STIPULATED.

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7 Dated: January 17, 2022

PHILLIP A. TALBERT
United States Attorney

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9 /s/ AARON D. PENNEKAMP
AARON D. PENNEKAMP
Assistant United States Attorney

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11 Dated: January 17, 2022

12 /s/ DOUG BEEVERS
DOUG BEEVERS
Counsel for Defendant
13 HECTOR QUINONES
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[PROPOSED] FINDINGS AND ORDER

Based on the parties' stipulation, this Court finds that the defendant has knowingly and intelligently waived his right to a preliminary hearing in this matter, and it is hereby ORDERED that:


1. The preliminary hearing and detention hearing previously scheduled in this case for January 19, 2022 is VACATED;

2. The defendant is ordered DETAINED pending further proceedings pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a)(1), because the defendant has not met his burden of proving by clear and convincing evidence that he will not flee or pose a danger to any other person or the community. This order is made without prejudice, and thus the issue of detention may be revisited in a future bail review hearing; and

3. An admit/deny hearing in Case No. 2:22-CR-00005 is SCHEDULED for January 24, 2022, or—if that date is not available—for _____, 2022, which is the next available admit/deny hearing date before the Honorable Kimberly J. Mueller.

IT IS SO ORDERED.

DATED: January 18, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE